

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

VIRNETX INC.

§

VS.

§

CAUSE NO. 6:10-CV-417

§

CISCO SYSTEMS, INC.

§

APPLE INC.,

§

AASTRA USA, INC

§

AASTRA TECHNOLOGIES LTD.

§

NEC CORPORATION, AND

§

NEC CORPORATION OF AMERICA

§

UNOPPOSED MOTION TO AMEND THE DOCKET CONTROL ORDER

COME NOW Defendants NEC Corporation and NEC Corporation of America (“Defendants”), by and through their counsel of record and hereby request that the Court amend certain deadlines in its April 19, 2011 Docket Control Order [DKT. #111] and as amended in its April 27, 2012 Order [DKT #269]. Defendants respectfully request the Court amend the Docket Control Order as set forth below:

| Event | Current Deadline | Proposed Deadline |
|--|-------------------------|--------------------------|
| Parties designate rebuttal expert witnesses (non-construction issues), Rebuttal expert witness reports due. Refer to Local Rules for required information. | July 3, 2012 | July 17, 2012 |

Defendants do not seek these extensions for purposes of delay, but so that justice may be done. Defendants respectfully requests the Court grant the relief requested in this Motion. Plaintiff is unopposed to the relief sought in this motion.

Dated: June 29, 2012

Respectfully submitted,

By: /s/ Douglas R. McSwane, Jr.

Douglas R. McSwane, Jr.
State Bar No. 13861300
POTTER MINTON
A Professional Corporation
110 N. College, Suite 500
Tyler, Texas 75702
(903) 597 8311
(903) 593 0846 (Facsimile)
dougmcswane@potterminton.com

William McCabe (*pro hac vice pending*)
NY Bar No. 2258085

Stuart Yothers (*pro hac vice pending*)
NY Bar No. 4355467
Ropes & Gray
1211 Avenue of the Americas
New York, NY 10036-8704
212-596-9018
212-596-9263
william.mccabe@ropesgray.com
stuart.yothers@ropesgray.com

R. Andrew Schwentker (*pro hac vice pending*)
NY Bar No. 4664728
One Metro Center
700 12th St., NW, Ste. 900
Washington, DC 20005-3948
202-508-4717
andrew.schwentker@ropesgray.com

Maxwell Fox (*pro hac vice pending*)
CA Bar No. 200016
Yusen Building 2F
3-2, Marunouchi 2-chome
Chiyoda-ku, Tokyo
100-0005 Japan
81-3-6259-3508
81-3-6259-3501
Maxwell.Fox@ropesgray.com

**New Attorneys for NEC Corporation, and
NEC Corporation of America**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 29th day of June 2012. Any other counsel of record will be served by first class U.S. mail on this same date.

/s/Douglas R. McSwane, Jr. _____
Douglas R. McSwane, Jr.

CERTIFICATE OF CONFERENCE

I certify that on June 28, 2012, counsel for Defendants conferred with counsel for Plaintiff and counsel for Plaintiff indicated that Plaintiff is not opposed to the relief requested herein.

/s/Douglas R. McSwane, Jr. _____
Douglas R. McSwane, Jr.